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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,138	07/14/2003	Theophilos Athanassiou	G625	6061

7590 08/22/2005
Richard W. Goldstein
2071 Clove Road
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EXAMINER

ROBINSON, MARK A

ART UNIT PAPER NUMBER

2872

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,138

Applicant(s)

ATHANASSIOU ET AL. 

Examiner

Mark A. Robinson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Objections

1. Claim 3 stands objected to because of the following informalities: "the plug" in lines 1-2 lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeifer (US 2302952) in view of Magi (US 3338545).

Pfeifer shows a safety mirror including a main housing(17) with a mirror plate at the front end and oriented forwardly, and a mounting arm(15) attached and extending from the rear of the housing for attachment to the vehicle. Note that "for attachment to a patrol car" and "for use when an officer is

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walking back to the patrol car..." are statements of intended use which do not further limit the present invention structurally.

Pfeifer does not show a mounting plate with a semi-spherical collar, nor the housing to have a socket for accommodating a ball between the socket and the collar (note that Pfeifer shows the reverse of this arrangement, i.e. the mounting arm to have the socket and the housing to have the ball). However, the claimed arrangement is shown by Magi in figs. 1-3. Note mounting arm(24) which supports a ball(18) between the semi-spherical collar(29) of a mounting plate(8) and a socket(17). Note also that the mounting plate fits flush within a recess on the rear surface of the housing (see fig. 3). It would have been obvious to use this ball and socket arrangement of Magi in place of that of Pfeifer since it has been held that a mere reversal of the working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Note that Magi's arrangement also provides the benefit of rapid adjustment of the pressure on the pivotable ball.

4. Claims 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeifer.

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Pfeifer shows a safety mirror method, using a safety mirror including a main housing(17) with a mirror plate at the front end and oriented forwardly, and a mounting arm(15) attached and extending from the rear of the housing for attachment to the vehicle. Pfeifer does not teach attaching the mirror to a patrol car, positioning the patrol car behind a stopped vehicle, standing in front of the patrol car and facing the same while simultaneously watching the stopped vehicle and the oncoming traffic. However, it would have been obvious to the ordinarily skilled artisan at the time of invention to attach Pfeifer's mirror to a patrol car in order to enable forward viewing as taught by Pfeifer. The claimed method steps would be inherent when an officer in a patrol car so modified performs a routine traffic stop, with the officer noticing objects in the forward-facing mirror while facing the patrol car and oncoming traffic.

Allowable Subject Matter

5. Claims 3,4 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 6/13/05 have been fully considered but they are not persuasive.

Applicant's remarks concerning the amendments to claim 1 are noted.

However, the combination of limitations found in claims 1,2 and 5 were not indicated to be allowable by the examiner in the previous office action dated 12/13/04. Please note that the reasons for allowability relied upon features "set forth in the combination of claim 5" (emphasis added). Accordingly, the new grounds of rejection for amended claim 1 do not preclude this action from being made final.

Regarding claims 7-11, applicant has argued that there is "no teaching for using a forward facing mirror mounted to a vehicle by a person standing outside of the vehicle to view what is behind them." Applicant has also characterized the examiner's position to be that if the mirror was hypothetically placed on a patrol car, then its use would be discovered.

In response, it should be noted that the examiner's position is that locating Pfeifer's forward facing mirror on a patrol car would have been obvious at the time of invention because doing so *would enable the forward viewing as taught by Pfeifer.*

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The method steps of positioning the patrol car behind a stopped vehicle, standing in front of the patrol car and facing the same while watching oncoming traffic happens during a routine traffic stop by a patrol officer. Equipping a patrol car with a forward facing mirror is not a hypothetical situation but rather an obvious modification for the reason set forth in the rejection. At some point during said routine traffic stop the officer will be facing the patrol car equipped with the forward-facing mirror. Just as the officer would notice a reflection in, for example, a highly reflective chrome fender or windshield of the patrol car, he would also notice a reflection in the forward facing mirror (unless he were purposefully *avoiding* looking in the direction of the forward facing mirror). Thus, at some point during said routine traffic stop, the method limitations presently claimed would be satisfied.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brenner and Bindley both show a pivoting ball between a mounting plate and a socket.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (571) 272-2319.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn, can be reached at (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR

8/18/05


MARK A. ROBINSON
PRIMARY EXAMINER